

EXHIBIT

9

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Title 15, United States Code, Section 1 (Conspiracy in
 Restraint of Trade)

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

 SEUNG-KYU LEE, a.k.a. SIMON LEE
 DISTRICT COURT NUMBER 10 0817
 2010 NOV -9 P 2:51
 FILED
 RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of.

☐ U.S. ATTORNEY ☐ DEFENSE

 SHOW
 DOCKET NO.

☐ this prosecution relates to a
 pending case involving this same
 defendant

 MAGISTRATE
 CASE NO.

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Lidia Maher, Antitrust Div.

DEFENDANT**IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior
 summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction } ☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges
 If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed

 DATE OF ARREST
 Month/Day/Year

Or... if Arresting Agency & Warrant were not

 DATE TRANSFERRED TO U.S. CUSTODY
 Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

PENALTY SHEET

Individuals: SEUNG-KYU LEE, a.k.a. SIMON LEE

Offense Charged: 15 U.S.C. Section 1 (Conspiracy in Restraint of

Maximum Penalties:

1. A fine in an amount equal to the largest of:
 - A. \$1,000,000.00
 - B. Twice the gross pecuniary gain derived from the crime.
 - C. Twice the gross pecuniary loss caused to the victims of the crime.
2. A term of imprisonment for ten years.
3. A term of supervised release of at least two years but not more than three years.
4. \$100 special assessment.
5. Restitution.

CR 10

FILED
2010 NOV -9 PM 7:51
RICHARD W. MEKING
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WHA

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

Title 15, United States Code, Section 1 (Conspiracy in Restraint of Trade)

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

YEONG-UG YANG, a.k.a. YEONG-WOOK YANG a.k.a.
YONG-SHU YANG, a.k.a. YONG-SHU LIANG, a.k.a.
YOUNG-UK YANG, a.k.a. YEONG-EUG YANG, a.k.a.
DISTRICT COURT NUMBER ALBERT YANG

PROCEEDING

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Federal Bureau of Investigation

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☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

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Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Lidia Maher, Antitrust Div.

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IS IN CUSTODY

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5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

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☐ This report amends AO 257 previously submitted

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☐ Arraignment ☐ Initial Appearance

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* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET

Individuals:

YEONG-UG YANG, a.k.a. YEONG-WOOK YANG, a.k.a. YONG-SHU
YANG, a.k.a. YONG-SHU LIANG, a.k.a. YOUNG-HYE YANG,
a.k.a. YEONG-EUG YANG, a.k.a. ALBERT YANG

Offense Charged: 15 U.S.C. Section 1 (Conspiracy in Restraint of Trade)

Maximum Penalties:

CR 10 0817

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5. Restitution.

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

OFFENSE CHARGED

Title 15, United States Code, Section 1 (Conspiracy in Restraint of Trade)

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attachment

2010 NOV - 9 2:51
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEFENDANT

JAE-SIK KIM

DISTRICT COURT NUMBER

CR 10 0817

WHA

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☒
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- 3)
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Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

- ☐
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- ☐
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Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Lidia Maher, Antitrust Div.

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

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- SUMMONS
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- NO PROCESS*
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If Summons, complete following:

- ☐
- Arraignment
- ☐
- Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed; since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET

Individuals: JAE-SIK KIM

Offense Charged: 15 U.S.C. Section 1 (Conspiracy in Restraint of Trade)

Maximum Penalties:

1. A fine in an amount equal to the largest of:
 - A. \$1,000,000.00
 - B. Twice the gross pecuniary gain derived from the crime.
 - C. Twice the gross pecuniary loss caused to the victims of the crime.
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4. \$100 special assessment.
5. Restitution.

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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CR 10 0817
WHA

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
2010 NOV -9 P 2:51
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CR 10 0817

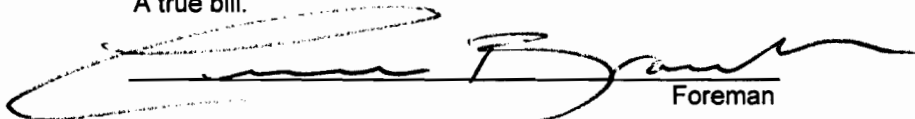
SEUNG-KYU LEE, a.k.a. SIMON LEE;
YEONG-UG YANG, a.k.a.
YEONG-WOOK YANG, a.k.a.
YONG-SHU YANG, a.k.a. YONG-SHU
LIANG, a.k.a., YOUNG-UK YANG, a.k.a.
YEONG-EUG YANG, a.k.a. ALBERT
YANG; and JAE-SIK KIM

DEFENDANT(S).

INDICTMENT

Title 15 U.S.C. Section 1 (Conspiracy in Restraint of Trade)

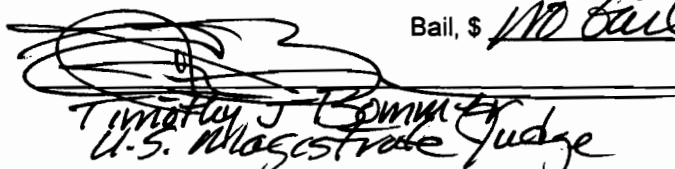
A true bill.


Foreman

Filed in open court this 9 day of

November 2010


BETTY P. LEE Clerk

Bail, \$ 100 bail warrant

Timothy J. Bonner
U.S. Magistrate Judge

LIDIA MAHER (CSBN 222253)
MAY LEE HEYE (CSBN 209366)
TAI S. MILDER (CSBN 267070)
Antitrust Division
U.S. Department of Justice
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 436-6660

Attorneys for the United States

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FILED
2010 NOV -9 P 2:51
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WHA

CR 10 0817

UNITED STATES OF AMERICA)

No.

v.)

INDICTMENT

SEUNG-KYU LEE, a.k.a. SIMON LEE;
YEONG-UG YANG, a.k.a.
YEONG-WOOK YANG, a.k.a.
YONG-SHU YANG, a.k.a. YONG-SHU
LIANG, a.k.a., YOUNG-UK YANG, a.k.a.
YEONG-EUG YANG, a.k.a. ALBERT
YANG; and JAE-SIK KIM,

VIOLATION:
Title 15, United States Code,
Section 1 (Conspiracy in Restraint of Trade)

San Francisco Venue

Defendants.

The Grand Jury charges that:

I.

DESCRIPTION OF THE OFFENSE

1. The following individuals are hereby indicted and made defendants on the charge stated below: SEUNG-KYU LEE, a.k.a. SIMON LEE; YEONG-UG YANG, a.k.a. YEONG-WOOK YANG, a.k.a. YONG-SHU YANG, a.k.a. YONG-SHU LIANG, a.k.a. YOUNG-UK YANG, a.k.a. YEONG-EUG YANG, a.k.a. ALBERT YANG; and JAE-SIK KIM.

2. Beginning at least as early as January 1997, until at least as late as March 2006, the exact dates being unknown to the Grand Jury, coconspirators of the defendants joined, entered into, and engaged in a combination and conspiracy to suppress and eliminate competition

INDICTMENT - PAGE 1

1 by fixing prices, reducing output, and allocating market shares of color display tubes ("CDTs") to
2 be sold in the United States and elsewhere. The combination and conspiracy engaged in by the
3 defendants and coconspirators was in unreasonable restraint of interstate and foreign trade and
4 commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

5 3. Defendant SEUNG-KYU LEE joined and participated in the conspiracy from at
6 least as early as January 2000 and continuing until at least December 2005.

7 4. Defendant YEONG-UG YANG joined and participated in the conspiracy from at
8 least as early as June 2003 and continuing until at least March 2006.

9 5. Defendant JAE-SIK KIM joined and participated in the conspiracy from at least as
10 early as June 2003 and continuing until at least March 2006.

11 6. The charged combination and conspiracy consisted of a continuing agreement,
12 understanding, and concert of action among the defendants and coconspirators, the substantial
13 terms of which were to agree to fix prices, reduce output, and allocate market shares of CDTs to
14 be sold in the United States and elsewhere for use in computer monitors and other products with
15 similar technological requirements.

16 II.

17 MEANS AND METHODS OF THE CONSPIRACY

18 7. For the purpose of forming and carrying out the charged combination and
19 conspiracy, the defendants and coconspirators did those things that they combined and conspired
20 to do, including, among other things:

21 (a) attending meetings and engaging in conversations and communications in
22 Taiwan, Korea, Malaysia, China, and elsewhere to discuss the prices,
23 output, and market shares of CDTs;

24 (b) agreeing during those meetings, conversations, and communications to
25 charge prices of CDTs at certain target levels or ranges;

26 (c) agreeing during those meetings, conversations, and communications to
27 reduce output of CDTs by shutting down CDT production lines for certain
28 periods of time;

- (d) agreeing during those meetings, conversations, and communications to allocate target market shares for the CDT market overall and for certain CDT customers;
- (e) exchanging CDT sales, production, market share, and pricing information for the purpose of implementing, monitoring, and enforcing adherence to the agreed-upon prices, output reduction, and market share allocation;
- (f) implementing an auditing system that permitted coconspirators to visit each other's production facilities to verify that CDT production lines had been shut down as agreed;
- (g) authorizing and approving the participation of subordinate employees in the conspiracy;
- (h) issuing price quotations and reducing output in accordance with the agreements reached; and
- (i) taking steps to conceal the conspiracy and conspiratorial contacts through various means.

III.

DEFENDANTS AND COCONSPIRATORS

8. Defendant SEUNG-KYU LEE is or was a resident of Korea. From at least as early as January 2000 and continuing until at least December 2005, SEUNG-KYU LEE was employed by Company A and later by Company B. Company B was a joint venture formed in approximately 2001 between Company A and Company C. Beginning around 2004, SEUNG-KYU LEE was responsible for CDT sales for Company B. During the period covered by this Indictment, Company A was a Korean company, and Company B was a company incorporated in the Netherlands, headquartered in Hong Kong, and engaged in the business of producing and selling, among other things, CDTs to customers in the United States and elsewhere.

9. Defendant YEONG-UG YANG is or was a resident of Korea. From at least as early as June 2003 and continuing until at least March 2006, YEONG-UG YANG was employed

1 by Company B and, beginning around 2004, was responsible for CRT sales for Company B.
2 During the period covered by this Indictment, Company B was a company incorporated in the
3 Netherlands, headquartered in Hong Kong, and engaged in the business of producing and selling,
4 among other things, CDTs to customers in the United States and elsewhere.

5 10. Defendant JAE-SIK KIM is or was a resident of Korea. From at least as early as
6 June 2003 and continuing until at least March 2006, JAE-SIK KIM was employed by Company D
7 and, beginning around 2002, was CRT Sales Division Head for Company D. During the period
8 covered by this Indictment, Company D was a Korean company engaged in the business of
9 producing and selling, among other things, CDTs to customers in the United States and elsewhere.

10 11. Various corporations and individuals not made defendants in this Indictment
11 participated as coconspirators in the offense charged in this Indictment and performed acts and
12 made statements in furtherance of it.

13 12. Whenever in this Indictment reference is made to any act, deed, or transaction of
14 any corporation, the allegation means that the corporation engaged in the act, deed, or transaction
15 by or through its officers, directors, employees, agents, or other representatives while they were
16 actively engaged in the management, direction, control, or transaction of its business or affairs.

17 IV.

18 TRADE AND COMMERCE

19 13. CDTs are a type of cathode ray tube. Cathode ray tubes consist of evacuated glass
20 envelopes that contain an electron gun and a phosphorescent screen. When electrons strike the
21 screen, light is emitted, creating an image on the screen. CDTs are the specialized cathode ray
22 tubes manufactured for use in computer monitors and other products with similar technological
23 requirements.

24 14. During the period covered by this Indictment, Company B, Company D, and
25 coconspirators sold and distributed substantial quantities of CDTs in a continuous and
26 uninterrupted flow of interstate and foreign trade and commerce to customers located in states or
27 countries other than the states or countries in which Company B, Company D, and coconspirators
28 produced CDTs. In addition, payments for CDTs traveled in interstate and foreign trade and

1 commerce.

2 15. During the period covered by this Indictment, the business activities of the
3 defendants and coconspirators related to the sale and distribution of CDTs that are the subject of
4 this Indictment were within the flow of, and substantially affected, interstate and foreign trade and
5 commerce.

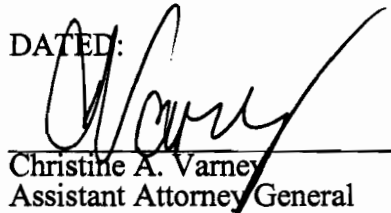
6 V.

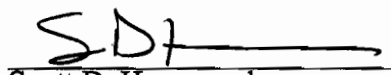
7 JURISDICTION AND VENUE

8 16. The combination and conspiracy charged in this Indictment was carried out, in
9 part, in the Northern District of California, within the five years preceding the filing of this
10 Indictment.

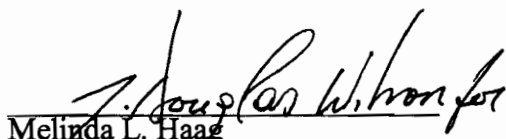
11 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

12 DATED:

13 
14 Christine A. Varney
15 Assistant Attorney General

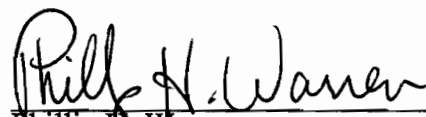
16 
17 Scott D. Hammond
18 Deputy Assistant Attorney General

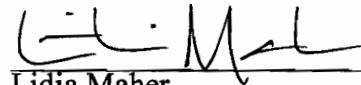
19 United States Department of Justice
20 Antitrust Division

21 
22 Melinda L. Haag
23 United States Attorney
24 Northern District of California

A TRUE BILL

25 
26 FOREPERSON

27 
28 Phillip H. Warren
Chief, San Francisco Office


Lidia Maher
May Lee Heye
Tai S. Milder
Attorneys
U.S. Dept. of Justice, Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
(415) 436-6660